

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 2 2006

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert, Esq.
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Request for Waiver of FY 2005
Regulatory Fee
Fee Control No. 0509078835885672

Dear Mr. Alpert:

This is in response to the petition for a waiver of the Fiscal Year 2005 (FY 2005) regulatory fee that you filed on behalf of WSMN Broadcasting, LLC (WSMN Broadcasting), licensee of Radio Station WSMN (AM), Nashua, New Hampshire (Petition). You request a waiver and a refund of the FY2005 regulatory fee, asserting that WSMN (AM) is dark (not operating).¹ For the reasons that follow, we grant your request. Pursuant to the waiver, the licensee is entitled to reimbursement of the previously paid regulatory fee (\$1,150) for WSMN (AM).

WSMN (AM) is dark pursuant to a grant of special temporary authority from the Commission. Our records confirm that the station has been silent since January 31, 2005.² In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

Accordingly, your request is granted and the FY 2005 regulatory fee for WSMN Broadcasting, licensee of AM Radio Station WSMN, is waived. The waiver shall remain in effect until the station is reactivated.

¹ Petition at 1.


² Letter from H. Taft Snowden, Supervisory Attorney, Audio Division, Media Bureau, Federal Communications Commission to Dan J. Alpert, Counsel for WSMN Broadcasting, LLC (March 8, 2005).

Dan J. Alpert, Esq.

2.

A check, made payable to the maker of the original check, and drawn in the amount of \$1,150, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations group at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

Tracking # 3592

FCN-05090788358856

The Law Office of
Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690

(703) 243-8692 (FAX)

RECEIVED - FCC

September 7, 2005

SEP - 9 2005

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

Federal Communication Commission
Bureau / Office

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Re: ~~Station WSMN(AM)~~
Facility No. 102
Nashua, NH

Dear Mr. Fishel:

~~WSMN Broadcasting, LLC~~, by its attorney, hereby requests a waiver and refund of its 2005 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

WSMN Broadcasting, LLC is licensee of Station WSMN(AM), Nashua, New Hampshire. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2005 Annual Regulatory Fee is appropriate. A refund of the \$1,150 fee that was timely paid respectfully is requested.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for WSMN Broadcasting, LLC

Attachment 1

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:
1800B3-ALM**

March 8, 2005

**Dan J. Alpert, Esquire
2120 North 21st Road
Suite 400
Arlington, Virginia 22201**

**In re: WSMN(AM), Nashua, NH
Facility ID No. 102
Silent Since January 31, 2005
Request For Special Temporary
Authority To Remain Silent**

Dear Mr. Alpert:

This letter concerns your request, filed March 4, 2005, on behalf of WSMN Broadcasting, LLC ("Broadcasting, LLC"), for Special Temporary Authority to permit AM Station WSMN to remain silent.

Broadcasting LLC's request indicates that the WSMN(AM) went silent on January 31, 2005, due to the loss of the station's transmitter site. Broadcasting LLC further indicates that it is looking for another site for which it may submit an application from which to operate. Broadcasting LLC's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

Broadcasting LLC's request will be granted. Accordingly, Special Temporary Authority is granted to permit AM Station WSMN to remain silent not to exceed 180 days from the date of this letter. Notwithstanding the grant of this special temporary authority, the broadcast license for WSMN(AM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m. on February 1, 2006.² See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

¹In the event extension of special temporary authority is sought, please renew the certification in this matter.

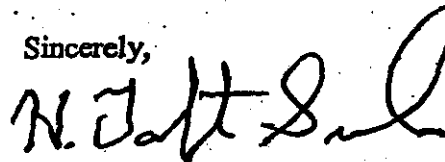
²Notification of resumption of broadcast operations must be mailed to:

**Federal Communications Commission
Attn: 1800B3-ALM, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554**

Please note that, if a directional AM station remains silent for more than six months, prior to returning to operation it must file a request for special temporary authority for operation with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Within 30 days following its return to operation, the station must file an application on Form 302-AM for direct measurement of operating power, accompanied by a partial proof of performance for the directional antenna system.

Furthermore, the station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained. See 47 C.F.R. Sections 17.6 and 73.1740(a)(4).

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowden", written in a cursive style.

H. Taft Snowden
Supervisory Attorney
Audio Division
Media Bureau